

Cooperative Boards

Powers and Duties of the Cooperative Boards; Indemnification

The major powers and duties of the Governing Board include, but are not limited to:

1. Shall be the final authority for NDSEC and shall conduct the affairs of NDSEC under the statutory authority granted in the *Illinois School Code*.
2. Shall adopt the annual budget, but may not levy taxes nor authorize incurring of indebtedness which exceeds the annual budget.
3. Shall set policies which govern NDSEC.
4. Shall vote on proposed amendments to the Articles of Agreement.
5. Shall approve employment and termination of employment of the Director, as well as termination of employment of all other personnel upon recommendation of the Operational Board.
6. Shall delegate operational responsibilities to the Operational Board to conduct the business of the organization including:
 - a) Shall serve as Administrative Agent for NDSEC, acting on behalf of member districts who shall grant such authority by resolution of each member district Board of Education.
 - b) Shall approve establishment of all NDSEC programs and services.
 - c) Shall approve the provision of all jointly operated facilities suitable for the purpose intended.
 - d) Shall approve all contractual arrangements required for operating or securing transportation service.
7. Shall consider all other matters placed on the agenda.

The major powers and duties of the Operational Board include, but are not limited to:

1. Shall carry out the operational responsibilities of NDSEC as delegated by the Governing Board.
2. Shall approve staff member employment recommended by the Director prior to employment by the Governing Board.
3. Shall evaluate the Executive Director.
4. Shall enter contracts using the public bidding procedure when required.
5. Shall provide, construct, control, and maintain adequate physical facilities.
6. Shall establish an equal educational opportunities policy that prohibits unlawful discrimination.
7. Shall approve the curriculum, textbooks, and educational services.
8. Shall establish the school year.
9. Shall comply with requirements in the Abused and Neglected Child Reporting Act. Specifically, each individual Board member must, if an allegation is raised to the member during an open or closed Board meeting that a student is an abused child as defined in the Act, direct or cause the Board to direct the Executive Director or other equivalent

school administrator to comply with the Act's requirements concerning the reporting of child abuse.

10. Shall consider all other matters placed on the agenda.

Indemnification

To the extent allowed by law, the Board shall defend, indemnify, and hold harmless Board members, employees, volunteer personnel (pursuant to 105 ILCS 5/10-22.34, 10-22.34a and 10-22.34b), mentors of certified staff (pursuant to 105 ILCS 5/2-3.53a, 2-3.53b, and 105 ILCS 5/21A-5 et. seq.), and student teachers who, in the course of discharging their official duties imposed or authorized by law, are sued as parties in a legal proceeding. Nothing herein, however, shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

LEGAL REF.: 105 ILCS 5/2-3.25d, 5/10, 5/17-1, and 5/27-1.
115 ILCS 5/.
325 ILCS 5/4.

CROSS REF.: 1:10 (Legal Status), 1:20 (Special Education Cooperative Organization and Operations), 2:10 (Joint Agreement Governance), 2:80 (Board Member Conduct), 2:140 (Communications To and From the Board), 2:210 (Organizational Board Meetings), 2:240 (Board Policy Development), 4:60 (Purchases and Contracts), 4:70 (Resource Conservation), 4:100 (Insurance Management), 4:110 (Transportation), 4:150 (Facility Management and Building Programs), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 6:20 (School Year Calendar and Day), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment), 7:190 (Student Discipline), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on Cooperative Property)

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